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## INTRODUCTION

On June 17, 1915, in an open letter,\* Prof. James H. Brewster brought against the University of Colorado charges of improper conduct amounting, under the facts alleged, to a serious breach of academic freedom. Professor Brewster had been a teacher of law in that University during the academic year 1914-15 and was not reappointed for the ensuing year. He charged that, while he had had in law an appointment for the year 1914-15 only, he had been led by the dean of the Colorado University Law School to expect to be continued in the faculty at least for the year 1915-16, but that in May, 1915, he was informed that he would not be reappointed; that this failure to reappoint, in view of the admission of the President of the University that Mr. Brewster had performed his teaching duties with "eminent satisfaction," was practically a dismissal; and that "the only causes for this dismissal are the facts that I testified to the truth before the Commission on Industrial Relations (December 7 and 8, 1914) and that I appeared as Counsel for the Miners' Union before a Congressional Committee in February and March, 1914."

Mr. Brewster further charged that on May 7, 1915, when he called upon the President of the University, Dr. Livingston Farrand, and showed him a telegram from Chairman Walsh, of the United States Commission on Industrial Relations, asking him, Brewster, to come to Washington for a second appearance as a witness before that Commission, the President of the University declared that if he complied with Walsh's request, his connection with the University must cease at once—that is, before the expiration of the then current university session.

In a letter† replying to these charges, dated July 5, and published in several Colorado newspapers on July 7 and 8,

\* Appended Document A.

† Appended Document B.

President Farrand categorically denied that he had made the statement attributed to him, and asserted that the non-reappointment of Professor Brewster came as a consequence of the normal working out of a plan for the reorganization of the Law School which had been entertained by the administration even prior to the original appointment of Professor Brewster in September, 1914.

On July 8, 1915, Professor Brewster published a counter-reply,\* adhering to his former charges and asserting that President Farrand's memory was "strangely defective" as to the alleged incident of May 7. The charges of Professor Brewster, soon after their publication, came to the attention of Prof. John Dewey, President of the American Association of University Professors, who on July 3 addressed a letter of inquiry to former Governor E. M. Ammons, of Colorado, who was charged by Professor Brewster with having demanded, while governor, the latter's dismissal in December, 1914, immediately after Professor Brewster's testimony as a subpoenaed witness before the Industrial Commission at its sittings in Denver on December 7 and 8. That the Governor did urge this dismissal is admitted by President Farrand. This incident will be discussed later. Under date of July 7, Governor Ammons replied in a manner intended to clear the University of the charges made against it, but the contents of his letter aroused rather than allayed suspicion. On July 8, Mr. John R. Commons, of the Commission on Industrial Relations, addressed to President Dewey a letter in which he expressed the hope that the American Association of University Professors would investigate the case. On the next day, President Livingston Farrand wrote to President Dewey saying:

A situation has arisen here to which I find considerable inaccurate publicity has been given. As it seems to touch upon the general question of academic freedom, I am writing to you as President of the Association of University Professors to invite such investigation of the matter as may seem best to you. . . .

\* Appended Document C.

I do not wish to lay undue stress on the case but I am very sensitive about the imputation that academic freedom is in any way inhibited in this University and naturally deprecate any impression going abroad which is not warranted by facts.

If consistent with the purposes of your Association, I would accordingly appreciate a thorough investigation of the situation.

At about the same time Prof. A. O. Lovejoy, Secretary of this Association, met Professor Brewster in Chicago, and the latter manifested a willingness to have his charges investigated.

The facts alleged by Professor Brewster seemed to the Association's General Committee on Academic Freedom to constitute, if established, a violation of academic freedom of peculiar gravity; while it seemed equally evident that if, on the other hand, the charges were without foundation, it was due the administrative authorities of the institution that, after investigation of the case by an impartial body, they should be publicly exonerated from an imputation so injurious not only to themselves but also to the University. It was in these circumstances that the Committee of Fifteen decided to authorize an investigation. Secretary Lovejoy was requested to take preliminary measures for securing further evidence, and later a sub-committee of five was selected to complete the investigation and prepare a report thereon. The membership of this sub-committee was completed in the first week of October, 1915, and consisted of D. O. McGovney, Professor of Law at the University of Missouri, Chairman; Percy Bordwell, Professor of Law at the State University of Iowa; E. H. Hollands, Professor of Philosophy at the University of Kansas; J. E. Le-Rossignol, Professor of Economics at the University of Nebraska; and A. O. Lovejoy, Professor of Philosophy at the Johns Hopkins University.

The investigation was conducted by correspondence, supplemented by personal interviews between Mr. Lovejoy, Messrs. Brewster, Farrand and others at the University of Colorado on September 29, and by personal appearance of

Professor Brewster before Chairman McGovney, at Columbia, Missouri, on November 14 and 15. As a result of this investigation the sub-committee submits the report following.